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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,653	03/10/2000	Jay S. Walker	99-062	5172
22927	7590	11/03/2006	EXAMINER COLBERT, ELLA	
WALKER DIGITAL 2 HIGH RIDGE PARK STAMFORD, CT 06905			ART UNIT 3694	PAPER NUMBER

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/523,653

Applicant(s)

WALKER ET AL.

Examiner

Ella Colbert

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24,35 and 56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24,35 and 56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-24, 25, and 56 are pending in this communication filed 07/24/06 entered as Appeals Conference Decision, Reopen Prosecution.
2. The Notice of Appeal and Request for Appeal Conference filed 05/11/06 has been entered.
3. The Appeals Conference Decision, Reopen Prosecution was rendered and entered 6/08/06.

### ***Reopening Prosecution***

4. In view of the request for an Appeal Conference filed on 05/11/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth here below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 C.F.R. 1.111 (if this Office action is non-final) or a reply under 37 C.C.R. 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a Notice of Appeal under 37 C.F.R. 41.31 followed by an appeal brief under 37 C.F.R. 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 C.F.R. 41.20 have been increased since they were previously paid, then the appellant must pay the difference between the increased fees and the amount previously paid.

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A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing on the last page of this Office action in accordance with MPEP 1002.02(d) and 1208.02.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 21, 22, 24, 35, and 56 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Steps are missing from the claims and are considered critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). Claim 1 recites "specifying, via a computer processor, and auction behavior; and specifying at least one rule for controlling when a bid may be placed ... according to the specified auction behavior. There is not any step(s) containing "auction behavior", "rule", and "specified auction behavior". Claims 21, 22, 24, 35, and 56 have a similar problem.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 21, 22, 24, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 21, 22, and 24 recite "... a bid may be placed ...". There is not positive recitation that the bid is actually placed and the recited step is not considered limiting.

Claim 4, recites a conditional statement. It is unclear what happens "if a highest bid in the auction is from the bidder, placing the bid according to the at least one specified bidding behavior at a time according to the at least one rule".

Claim 35, in the preamble recites a system for selecting an auction behavior for an auction, comprising: a behavior database ...; and a behavior selector having an input for receiving information about the auction and an output for providing an indication of an auction behavior for the auction using the behavior database". The "input for receiving information ... and an output for providing an indication ...". One of ordinary skill in the art of computer systems would be hard put to identify "input for receiving information ... and an output for providing an indication ...". Such "input for receiving information ... and an output for providing an indication ..." is varied, vague, and indefinite. Also, claim 35 does not contain any hardware or software elements for a system claim format. A "database" is merely a file composed of records, each containing fields together with a set of operations for searching, sorting, recombining, and other functions.

Furthermore, limitations appearing in the specification but not recited in the claim are not read into the claim. *E-Pass Techs., Inc. v. 3Com Corp.*, 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA

1969). See also In re Zlitz, 893 F.2d 319, 321-22, 13 USPQ 2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow ... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed ... An essential purpose of patent examination is to fashion claims that are precise, clear, correct and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1, 21, 22, 24, 35, and 56 of the claimed invention is directed to non-statutory subject matter.

A requirement for a claimed invention to be statutory under 35 U.S.C. 101 is that the claimed invention must be directed to a useful, concrete and tangible result.

*State Street Bank v. Signature Financial Group*, 47 USPQ2d 1596 (Fed Cir. 1998).

If a computer related invention produces a concrete, tangible and useful result, it is patentable subject matter, provided that other conditions for patentability are satisfied.

However, in the instant application claim 1 fails to produce such a result, which meets this requirement. The claimed invention merely recites "a rule for controlling when a bid may be placed". A "rule" and "a bid" are a single "rule" and "bid" which are

not considered concrete and tangible. There is no basis for specifying the rule and “controlling when a bid may be placed does not solve the problem with concreteness. There is nothing in the claim limitations to lead a person to determine that the claim is tangible and concrete.

Claims 21, 22, 24, and 56 have a similar problem.

In order for a claim to be considered tangible and to meet the requirement the claim does require that the claim must recite more than a 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had “no substantial practical application.”). See also Corning, 56 U.S. (156 How.) at 268, 14 L. Ed. 683 (“It is for the discovery or invention of some practical method or means of producing a beneficial result or effect, that a patent is granted ...”). In other words, the opposite meaning of “tangible” is “abstract”.

Another consideration is whether the invention produces a “concrete” result. The process must have a result that can be substantially repeatable or the process must substantially produce the same result again. *In re Swartz*, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000). The opposite of “concrete” is unrepeatable or unpredictable.

### ***Drawings***

10. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 8, element “812 list” but shows element “802” which is labeled “item identifier” and appears to be a list” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the

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drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 16, element "1606" and Figure 17, element "1706". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the



immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both "rule selector" in Figure 1 and "rule generator" in the specification; reference character "114" has been used to designate both "Bid Generator" in the drawing and "bid generators" in the specification; reference character "118" has been used to designate both "past auction information" in the drawing and "past auctions" in the specification; reference character "120" has been used to designate both "Maximum Bid" in the drawing and "maximum bid price" in the specification; Figure 2, reference characters "204", "202", and "222"; Figure 9, reference characters "900", "902", "904", "906", "908", "910", and "912"; Figure 11, reference characters "1100", "1104", and "1106"; Figure 12, reference characters "1200", "1202", and "1204"; Figure 13, reference characters "1300" and "1302"; Figure 14, reference characters "1400", "1402", and "1404"; Figure 15, reference characters "1500", "1506", "1504" and "1510"; Figure 16, reference characters "1600", "1602", "1604", and "1606"; Figure 17, reference characters "1700", "1702", "1704", and "1706"; and Figure 18, reference characters "1812", "1810", "1806", "1808", "1824", "1804", "1802", "1820", "1822", "1826", "1816", "1818", and "1814" have a similar problem. They

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are labeled in the drawing as one part and referenced as something else in the Specification. Therefore, the drawing labels and the specification are not in agreement. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examination has been conducted to the best of the Examiner's ability given the condition of the Claims, Specification, and Drawings.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-24, 35, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 2001/0027431) Rupp et al, hereafter Rupp. Rupp et al is a

continuation-in-part of application No. 09/252,790, filed Feb. 19, 1999, now Patent No. 6,230,146, Continuation-in-part of application No. 09/282,157 filed March 31, 1999.

As per claims 1 and 21, Rupp discloses, A method and a system for managing an auction, comprising: specifying, via a computer processor, an auction behavior (Page 3, col. 1, line 1 –col. 2, line 5, Figure 3, and Figure 4); and specifying at least one rule for controlling when a bid may be placed automatically for a bidder in the auction according to the specified auction behavior (Page 3, col. 2 [0042] –Page 4, col. 1 [00046]). Rupp did not expressly disclose when a rule for controlling when a bid may be placed automatically for a bidder. However, on Page 3, col. 2 [0044] discloses a rule and Rupp further discloses what is interpreted as auction behavior – real-time competitive interaction among bidders. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rupp because of his disclosure and because such a modification would allow Rupp to have bid restrictions and additive activity rules to control the behavior of auction participants.

Rupp further teaches a means (a system) for identifying an auction behavior (Page 4, col. 1 [0049]- col. 2 [0054]).

As per claim 2, Rupp discloses, automatically placing at least one bid for a bidder according to the at least one rule and according to at least one specified bidding behavior (Page 4, col. 2 [0055] – Page 5, col. 1, line 4).

As per claim 3, Rupp discloses, The method of claim 2, wherein the specified bidding behavior comprises a maximum bid and a minimum bid increment (Page 7, col.

2 [0090] –minimum bid increment and [0093] maximum bid –[0094] and Page 8, col. 1 [0102]).

As per claim 4, Rupp discloses, The method of claim 2, wherein automatically placing at least one bid for the bidder comprises: if a highest bid in the auction is not from the bidder, placing the bid according to the at least one specified bidding behavior at a time according to the at least one rule (Page 8, col. 1 [0103] –col. 2 [0104]).

As per claim 5, Rupp discloses, The method of claim 1, further comprising: receiving at least one bid placed automatically according to the at least one rule and according to at least one specified bidding behavior (Page 4, col. 2 [0054] and Page 7, col. 1 [0079]).

As per claim 6, Rupp discloses, The method of claim 1, wherein specifying an auction behavior comprises determining the auction behavior according to information about the auction (Page 3, col. 2 [0042]-[0044]).

As per claim 7, Rupp discloses, The method of claim 6, wherein the information about the auction comprises at least one of information about an item, information about a seller and information about bidders (Page 3, col. 1 [0034] –[0036] – information about the auction; Page 6, col. 2 [0073] –reputation of supplier (seller) information about supplier (seller); Page 6, col. 1 [0072] – col. 2 [0074] –bidder information).

As per claim 8, Rupp discloses, The Method of claim 7, wherein determining the auction comprises; receiving information about one or more prior auctions, wherein each of the prior auctions has an associated auction behavior; identifying at least one of the prior auctions as similar to the auction based on the information about the auction

and the information about the one or more prior auctions; and selecting one or more of the prior auctions identified as similar to the auction (Page 3, col. 2 [0039]-[0044] and Page 6, col. 1 [0070] – col. 2 [0073]).

As per claim 9, Rupp discloses, The method of claim 8, further comprising selecting the auction behavior associated with the selected one or more prior auctions as the auction behavior (Page 3, col. 2 [0039] – [0044]).

As per claim 10, Rupp discloses, The method of claim 8, wherein identifying at least one of the prior auctions similar to the auction comprises: comparing information about the auction to the information about the one or more prior auctions using a metric to obtain a measure (Page 5, col. 2 [0064]- Page 6, col. 1 [0066] and [0072] –col. 2 [0077]); and comparing the measure to a threshold defining an extent of similarity (Page 6, col. 2 [0078] –Page 7, col. 1 [0079]).

As per claim 11, Rupp discloses, The method of claim 8, wherein the selected one or more prior auctions has a best outcome among the at least one of the prior auctions identified as similar to the auction (Page 3, col. 2 [0041] –[0044]).

As per claim 12, Rupp discloses, The method of claim 11, wherein a best outcome is at least one of a highest price and a fastest sale (Page 4, col. 2 [0055] –Page 5, col. 1, line 4).

As per claim 13, Rupp discloses, The method of claim 1, wherein specifying at least one rule comprises: associating at least one rule with at least one candidate auction behavior from which the auction behavior is specified (Page 8, col. 1 [0102]);

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and selecting the at least one rule associated with the specified auction behavior (Page 8, col. 1 [0102] lines 12-15).

As per claim 14, Rupp discloses, The method of claim 13, wherein associating at least one rule with each candidate auction behavior comprises: determining at least one rule that corresponds to each candidate auction behavior (Page 8, col. 1 [0100]-col. 2 [0104]). Rupp did not expressly disclose storing the at least one rule in a database. However, Rupp does disclose a rule and a database which can be used for storing the rule. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Rupp to incorporate storing the at least one rule in a database in view of his disclosures and because such a modification would allow Rupp to have a file composed of rules records with each record containing fields together with a set of operations for searching, sorting, recombining and other functions.

As per claim 15, Rupp discloses, The method of claim 14, wherein determining at least one rule which corresponds to each candidate auction behavior comprises: characterizing each candidate auction behavior; and selecting rules corresponding to the candidate auction behavior (Page 6, col. 1 [0070] –[0071] and Page 8, col. 1 [0102] lines 1-15).

As per claim 16, Rupp discloses, The method of claim 13, wherein a candidate auction behavior is a behavior of an auction similar to the current auction (Page 3, col. 2 [0044]).

As per claim 17, Rupp discloses, The method of claim 1, further comprising: evaluating actual auction behavior according to bids received in the auction (Page 6,

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col. 1 [0071]); and modifying the at least one rule for controlling when a bid may be placed automatically in the auction according to the actual auction behavior (Page 8, col. 1 [01021] lines 1-15).

As per claim 18, Rupp discloses, The method of claim 17, wherein evaluating the actual auction behavior comprises: characterizing the actual auction behavior according to bids received in the auction (Page 5, col. 2 [0063] -; [0064]); and comparing the selected auction behavior to the actual auction behavior (Page 5, col. 2 [0065] –Page 6, col. 1 [0066]).

As per claim 19, Rupp discloses, The method of claim 17; wherein modifying the at least one rule comprises: selecting at least one alternative rule corresponding to the actual auction behavior (Page 8, col. 1 [0102]).

As per claim 20, Rupp discloses, The method of claim 19, wherein selecting the at least one alternative rule comprises selecting the at least one alternative rule randomly from among a plurality of rules (Page 8, col. 1 [0102]).

As per claim 22, Rupp discloses, A system for managing an auction, comprising: an auction behavior selector providing an indication of a selected auction behavior (Page 3, col. 2 [0042] –[0044]); and a rule generator having an input for receiving an indication of the selected auction behavior and an output providing at least one rule for controlling when a bid may be placed automatically for a bidder in the auction to encourage the selected auction behavior (Page 7, col. 2 [0089] –Page 8, col. 1 [0102]). Rupp did not expressly disclose a rule generator having an input ... and an output providing at least one rule ...". However, Rupp does disclose rules regarding the bid and auction. It

would have been obvious to one having ordinary skill in the art to have incorporated a rule generator with an input for receiving and indication of the selected auction behavior and an output providing at least one rule for controlling a bid ... in view of Rupp's disclosure of rules because such a modification would allow Rupp to permit a user to place a reasonable number of bids on a single product or service whereby the system accepts the highest bid submitted by all bidding customers

As per claim 23, Rupp discloses, The system of claim 22, wherein the auction behavior selector comprises: a comparator having an input for receiving the information about the at least one prior auction and information about the auction, and an output for providing an indication of at least one of the prior auctions similar to the auction (Page 2, col. 1 [0016] –[0019]); a selector having an input for receiving the indication of one or more of the prior auctions identified as similar to the auction and an output for providing an indication of the auction behavior associated with a selected one or more of the prior auctions (Page 3, col. 1 [0036] –col. 2 [0044]).

As per claim 24, Rupp discloses, A computer program product comprising: a computer readable medium and computer program instructions stored on the computer readable medium, wherein the computer program instructions (Page 5, col. 2 [0063] ) to perform the steps of claim 24.

This independent claim is rejected for the similar rationale as given above for claim 21.

As per claim 35, Rupp discloses, A system for selecting an auction behavior for an auction, comprising: a behavior database in which associations between information



about auctions and auction behaviors is stored (Page 6, col. 1 [0067]); and a behavior selector having an input for receiving information about the auction and an output for providing an indication of an auction behavior for the auction using the behavior database (Page 5, col. 1 [0056] –col. 2 [0063]). Rupp did not expressly disclose a behavior database. However, Rupp discloses a database that can be used for this purpose on Page 5, col. 1 [0056])

As per claim 56, This independent claim is rejected for the similar rationale as given above for claims 1-24 and 35.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

Franklin et al (US 6,055,518) disclosed a secure auction system.

Alaia et al (US 6,499,018) disclosed conducting electronic auctions with a dynamic lost closing extension feature that avoids collisions in closing times of multiple lots.

Young (US 7,003,485) discloses an internet ticket auction, a proxy bid and a bid increment, and the maximum amount of the bid.


### ***Inquiries***

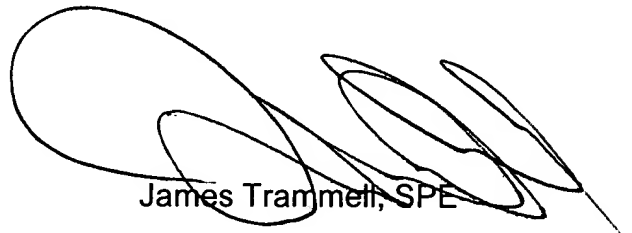
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 25, 2006

  
ELLA COLBERT  
PRIMARY EXAMINER

  
James Trammell, SPE